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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/863,538	05/23/2001	Vale Sundaravel	EVO-001.01	8772
7590	03/21/2005			EXAMINER
Robert W. Bergstrom Olympic Patent Works PLLC P.O. Box 4277 Seattle, WA 98194-0277				NOBAHAR, ABDULHAKIM
			ART UNIT	PAPER NUMBER
			2132	

DATE MAILED: 03/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/863,538	SUNDARAVEL ET AL.	

Examiner	Art Unit	
Abdulhakim Nobahar	2132	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on _____.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 81-107 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 81-89,91-93 and 95-100 is/are rejected.
- 7) Claim(s) 90 and 94 is/are objected to.
- 8) Claim(s) 101-107 are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>08/27/2001</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- bff*
- I. Claims 81-100, drawn to "a method for comparing two geographical locations using binary representations of the two locations", classified in class 713, subclass 200.
 - II. Claims ⁽¹⁰⁾ 10-107, drawn to "a system for responding to a request for geographical relevant data using a database having geographical tokens associated with the identities of providers", classified in class 380, subclass 258.

The inventions are distinct, each from the other because of the following reasons:

Inventions of Group I and Group II are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention Group I has separate utility such as generating binary representations from geographical information of locations and comparing them bitwise. And the invention Group II has the utility of databases that associate provider tokens to provider identities which is different from generating binary representations in Group I and the databases are used as tools to process requests in order to determine whether provider tokens having geographical relevant data. See MPEP § 806.05(d).

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

Because these inventions are distinct for the reasons given above and the search required for Group I is not required for Group II, restriction for examination purposes as indicated is proper.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

During a telephone conversation with Mr. Robert Bergstrom, the applicant's representative, on March 3, 2005 a provisional election was made without traverse to prosecute the invention of Group I, claims 81-100. Applicant in replying to this office action must make affirmation of this election. Claims 101-107 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the

applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**Claims 81-85, 87-89, 92, 93 and 95-100 are rejected under 35 U.S.C. 102(e)
as being anticipated by Lampert et al (5,953,722; hereinafter Lampert).**

Regarding claims 81-83 and 100, Lampert discloses a method for making and using a geographic database that assigns IDs in binary format to the geographic locations of entities (col. 21, lines 10-57). Lampert further discloses that a range is defined (corresponding to the recited associating an uncertainty) for each data related to the geographic locations (col. 2, lines 55-61; col. 27, lines 25-40). Lampert also discloses that for finding a location the position information, which is in bits, is compared to the geographic information of a reference position/location (col. 6, lines 42-65; col. 28, lines 1-20; col. 29, lines 55-65; col. 30, lines 20-40). Lampert also disclose that an acceptable range of approximately 4% tolerance for errors is considered in estimating a location data (corresponding to the recited associating an uncertainty with bitwise comparison) (col. 19, lines 25-32; col. 20, lines 40-52).

Regarding claims 84, Lampert discloses an acceptable range of 4% error in estimating geographic data (col. 19, lines 25-32; col. 20, lines 40-52), which is based on comparison of locations' IDs, which in turn have ranges (col. 27, lines 25-40; col. 28, lines 40-60).

Regarding claims 85, Lampert discloses that associating the bits of the bitwise comparison to derive a distance measure (col.1, lines 20-29; col. 25, lines 3-10; col. 25, lines 25-50).

Regarding claims 87-89, Lampert discloses:

Receiving criteria, and comparing the bitwise comparison to the criteria (col. 6, lines 50-65; col. 12, lines 55-65; col. 17, lines 19-24; col. 18, lines 11-20).

Regarding claims 92 and 93, Lampert discloses the use of information such as latitude, longitude, street address, and parcel for the representation of a geographic location (col. 4, lines 16-65; col. 9, lines 49-62).

Regarding claims 95 and 96, Lampert discloses that the uncertainty is based on the accuracy of the geographic information (col. 19, lines 25-32; col. 20, lines 40-52).

Regarding claims 97-99, Lampert discloses the use of PCMCIA card (corresponding to the recited token) for handling information of geographic locations (col. 9, lines 35-48).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 86 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lampert et al (5,953,722; hereinafter Lampert) as applied to claims 81-84 above, and further in view of Eschenbach et al (6,181,253 B1; hereinafter Eschenbach).

Regarding claim 86, Lampert does not disclose the encryption of geographic data of a location. Eschenbach discloses a method for monitoring the location and motion of a person that wears a location-determining device (col. 8, lines 30-40). Eschenbach further discloses that the device transmit the present location information in an encrypted form to prevent reading or interfering by the monitored person (col. 9, lines 10-20).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to incorporate a scheme in the system of Lampert to encrypt the geographic information of a location as taught by Eschenbach, because it would allow the monitoring personnel to detect when tampering with the device is occurring (Eschenbach, co. 8, lines 20-25).

Claim 91 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lampert et al (5,953,722; hereinafter Lampert) as applied to claims 81-84 above, and further in view of Ross et al (5,903,653; hereinafter Ross).

Regarding claim 91, Lampert does not disclose that performing of a bitwise comparison includes computing an exclusive OR operation. Ross discloses an anti-theft system for disabling a stolen vehicle (col. 2, lines 24-42). Ross further discloses that during the process of decrypting information related to the vehicle location, an Exclusive OR operation is performed on the signal transmitted from the stolen vehicle to a central location (col. 7, lines 19-50).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to incorporate an Exclusive OR operation scheme as taught by Ross in the system of Lampert, because it would be used to obtain the decrypted address of an stolen vehicle for comparison to an unique address stored in the central office (Ross, co. 2, lines 58-63).

Allowable Subject Matter

Claims 90 and 94 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US Patent No. 5,754,657 to Schipper et al.

US Patent No. 6,157,317 to Walker.

US Patent No. 6,107, 944 to Behr et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Abdulhakim Nobahar whose telephone number is 571-272-3808. The examiner then can normally be reached on M-T 8-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on 571-272-3799. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Abdulhakim Nobahar
Examiner
Art Unit 2132

AN *A.N.*

March 13, 2005

Gilberto S.
GILBERTO BARRON JR.
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100